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HB 1775, HD 2 RELATING TO LAND USE PLANNING

Statement for
Senate Committee on
Economic Development, Energy and Natural Resources
Public Hearing, 18 March 1980

By
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HB 1775, HD 2 would replace Section 205.16, 16.1 and 16.2 of the Hawaii Revised Statutes, sections which deal with the state land use plan and land use policies and their effect on land use district boundary changes, with a new part of Chapter 205 entitled "Interim statewide land use management policies and priorities." This statement on the bill does not reflect an institutional position of the University of Hawaii.

Insofar as this bill would establish more specific decision criteria than have existed previously, it should promote a land-use regulatory system which is much more understandable and provides a more predictable decision-making environment for all parties involved.

There is one point which requires greater clarification, however. With respect to both interim statewide land use management policies (page 8, lines 12-15) and interim statewide land use management priorities (page 16, lines 11-15), there is the provision that a report of findings and conclusions is to be submitted to the legislature in those cases in which the policies and/or priorities should lead to "substantial injustice and inequity" and that the substantive policies and guidelines need not be followed in such cases. This provision could be used in such a manner that the intent of the law is violated, since any applicant for land use change can claim a potential injustice and inequity. While there is a need for some flexibility on the part of those who must implement the law, without a more detailed specification of the types of tests to be applied to demonstrate a "potential injustice and inequity" the predictability that this law brings to state land use management may be seriously undermined.